

HARVEY P. SACKETT (72488)

S A C K E T T
AND ASSOCIATES
A PROFESSIONAL LAW CORP.

548 Market Street, Suite 38822
San Francisco, California 94104-5401
Telephone: (408) 295-7755
Facsimile: (408) 295-7444
Email: hps@sackettlaw.com

Attorney for Plaintiff

/as

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

NORA QUICHO,)	Case No.: 2:23-cv-02785-WBS-CKD
)	
Plaintiff,)	STIPULATION AND ORDER FOR
)	THE AWARD AND PAYMENT OF
v.)	ATTORNEY FEES PURSUANT TO
)	THE EQUAL ACCESS TO JUSTICE
)	ACT, 28 U.S.C. § 2412(d)
MARTIN O'MALLEY, ¹)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	

On July 25, 2024, this Court issued an order reversing the final decision of the Defendant, Martin O'Malley, the Commissioner of Social Security (Commissioner), with a remand for a new decision, 42 U.S.C. § 405(g) (sentence four); judgment was entered.

¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Martin O'Malley should be substituted for Kilolo Kijakazi as Defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 In the interest of administrative and judicial economy, the parties have agreed to stipulate
2 to an award of SEVEN THOUSAND EIGHT HUNDRED DOLLARS AND ZERO CENTS
3 (\$7,800.00) in attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d).
4 This amount represents compensation for all legal services rendered on behalf of Plaintiff by
5 counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).
6 However, this award shall constitute a complete release from and bar to any and all claims
7 Plaintiff, and/or Harvey P. Sackett (“Counsel”) including Sackett and Associates, may have
8 relating to EAJA fees and costs. Further, such award shall not be used as precedent in any future
9 cases. This stipulation constitutes a compromise settlement of [Plaintiff]’s request for EAJA
10 attorney fees, and does not constitute a concession by the Commissioner that the original
11 administrative decision denying benefits to Plaintiff was not substantially justified or an
12 admission of liability on the part of the Commissioner under the EAJA or otherwise.

13 After the Court issues an order for EAJA fees to Plaintiff, the Government will consider
14 the matter of Plaintiff’s assignment of EAJA fees to (“Counsel”). Pursuant to *Astrue v. Ratliff*,
15 560 U.S. 586 (2010), the ability to honor an assignment will depend on whether the fees are
16 subject to any offset allowed under the United States Department of the Treasury’s Offset
17 Program. After the order for EAJA is entered, the Government will determine whether they are
18 subject to offset. Fees shall be made payable to Plaintiff, but if the Department of Treasury
19 determines Plaintiff does not owe a federal debt, then the Government shall cause the payment of
20 fees, expenses, and costs to be made payable directly to Counsel, pursuant to the assignment
21 executed by Plaintiff. Any payments made shall be delivered and made payable to Counsel, and
22 may be made by electronic fund transfer (EFT) or by check.

23 Accordingly, Defendant agrees to pay Plaintiff \$7,800.00 in attorney’s fees.

24 All parties whose signature lines appear in this document have consented to its filing.
25 This award is without prejudice to the rights of Sackett and Associates and/or Counsel to seek
26 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause
27 provisions of the EAJA.
28

Dated: August 20, 2024

SACKETT AND ASSOCIATES

By: /s/ HARVEY P. SACKETT
HARVEY P. SACKETT
Attorney for Plaintiff
NORA QUICHO

Dated: August 21, 2024

PHILLIP TALBERT
United States Attorney

By: /s/MARY TSAI
MARY TSAI
Special Assistant United States Attorney
Attorney for Defendant
[*As authorized by email on 8/20/24]

ORDER

Pursuant to the stipulation, IT IS SO ORDERED. The stipulation at ECF No. 22 is GRANTED and defendant shall pay Plaintiff \$7,800.00 in EAJA fees as set forth above.

Dated: 08/21/24



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE